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By: [Signature]Printed: Nancy Ramos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231
Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No. U.S. Application Serial No. 09/387,811, filed September 1, 1999, which is a divisional of U.S. Application Serial No. 09/227,420, filed on January 8, 1999, issued November 23, 1999, as U.S. Patent No. 5,990,087, which is a divisional of U.S. Application Serial No. 09/026,587, filed February 20, 1998, issued June 15, 1999, as U.S. Patent No. 5,912,128, all entitled HUMAN ENA/VASP-LIKE PROTEIN SPLICE VARIANT, all of which are incorporated herein by reference.

X	Enclosed is a specification corresponding to the prior application, U. S. Application Serial No. 09/026,587, filed on February 20, 1998, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
	With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. [SERIAL NO.], filed [FILING DATE], to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. [SERIAL NO.] as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application.
	Amend the specification by inserting after the title: "This application is a application of U.S. application serial number , filed , all of which applications and patents are hereby incorporated herein by reference."
X	Cancel in this application original claims 3-10, 13-29 and 46-55 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.
X	The inventor(s) of the invention being claimed in this application is (are): Preeti G. Lal, Karl J. Guegler and Neil C. Corley.
X	The prior application is assigned of record to <u>Incyte Corporation, formerly known as Incyte Genomics, Inc., also formerly known as Incyte Pharmaceuticals, Inc.</u> , recorded on July 6, 1998, at reel /frame 9329/0741.

22154 U.S. PTO

10/618538

07/10/03

X	The power of attorney of the prior application is to: Lucy J. Billings Jenny Buchbinder Diana Hamlet-Cox Joel Harris Richard C. Ekstrom Barrie D. Greene Lori L. Kerber Gina C. Nellesen Shirley A. Recipon Cathleen M. Rocco Susan K. Sather Michelle M. Stempien David G. Streeter James M. Verna, Ph.D. Yu-Mei Eureka Wang	Reg. No. 36,749 Reg. No. 48,588 Reg. No. 33,302 Reg. No. 44,743 Reg. No. 37,027 Reg. No. 46,740 Reg. No. 41,113 Reg. No. 52,062 Reg. No. 47,016 Reg. No. 46,172 Reg. No. 44,316 Reg. No. 41,327 Reg. No. 43,168 Reg. No. 33,287 Reg. No. 50,510
X	The invention was not made by an agency of the United States Government or under a contract with an agency of the United States Government.	
ENCLOSURES		
X	Application Data Sheet (ADS) (<u>3</u> pp.).	
X	Blanket Exemption from Requirements Under § 42 U.S.C. 2182 Letter (1 pg.).	
X	In accordance with 37 CFR 1.63(d), a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed on (<u>4</u> pp.).	
X	Submission of Formal Drawings (<u>1</u> pg.); and <u>10</u> Sheets of Formal Drawings, including Figures <u>1A, 1B, 1C, 1D, 1E, 2A, 2B, 2C, 3A, 3B</u> .	
X	Information Disclosure Statement (2 pp.); and List of References Cited PTO-1449 (2 pp.).	
X	Copy of previously submitted Certification under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys (2 pp.).	
X	Substitute Submission under 37 CFR § 1.821-1.825 Sequence Listing (1 pg.).	
X	(One) 1 Substitute CRF diskette containing the sequence listing.	
X	Paper copy of Substitute Sequence Listing (5 pp.).	

CLAIMS AS FILED						
Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate	Fee	Basic Fee
						\$ 750.00
Total Claims	20	-20	0	x \$18		\$ 0
Indep. Claims	2	-3	0	x \$84		\$ 0
Multiple Dependent Claim(s), if any				+ \$280		\$ 0
Filing Fee:						\$ 750.00

FEE CALCULATION AND METHOD OF PAYMENT

The Fee has been calculated as follows:

<input checked="" type="checkbox"/> Fee for filing a Divisional Application Under 37 CFR 1.16 (a):	\$ <u>750.00</u>
<input checked="" type="checkbox"/> Please charge Deposit Account No. 09-0108 in the amount of :	\$ <u>750.00</u>

Applicants hereby authorize the Commissioner to treat any concurrent or future reply in this application that requires a petition for an extension of time under 37 CFR 1.136(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time; and to charge all required fees, including fees under 37 CFR 1.16, 1.17, and all required extension of time fees, or to credit any overpayment, to Deposit Account **09-0108**. This sheet is enclosed in duplicate.

CORRESPONDENCE ADDRESS
(Customer No. 27904)

INCYTE CORPORATION
LEGAL DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304

Phone: (650) 855-0555
Fax: (650) 845-4166 or
(650) 849-8886

Date: July 10, 2003

By: Barrie D. Greene
Barrie D. Greene
Reg. No. 46,740
Direct Dial Telephone: (650) 621-7576

____ Inventor(s).

____ Assignee of complete interest.

☒ Attorney or Agent of record.

____ Filed under 37 CFR 1.34(a), with Limited Recognition under 37 C.F.R. 10.9 (b).

____ Filed under 37 CFR 1.34(a) Registration number if acting under 37 CFR 1.34(a).

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By: Nancy RamosPrinted: Nancy Ramos

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Title: HUMAN ENA/VASP-LIKE PROTEIN SPLICE VARIANT

Serial No.: To Be Assigned

Filing Date: Herewith

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

Mail Stop: Patent Application

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SUBMISSION OF FORMAL DRAWINGS

Sir:

Transmitted herewith are Figure(s) 1A, 1B, 1C, 1D, 1E, 2A, 2B, 2C, 3A, and 3B, as 10 (ten) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the front side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **09-0108**.

If there are any questions regarding the above, the Examiner is invited to call the undersigned.

Respectfully submitted,

INCYTE CORPORATION

Date: July 10, 2003Barrie D. Greene

Barrie D. Greene

Reg. No. 46,740

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3160 Porter Drive

Palo Alto, California 94304

Phone: (650) 855-0555

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